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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,926	11/18/2003	Hae Pyoung Lee	DPO-0010	3023
34610 7590 10/31/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER TANK, ANDREW L				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
10/31/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/714,926	<b>Applicant(s)</b> LEE, HAE PYOUNG
<b>Examiner</b> Andrew Tank	<b>Art Unit</b> 2175

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 19, 20, 23, 25-27, 30, 31, 36-38, 41, 42, 46, 48-50, 53, 57, 59-61, 64-66, 68-73 and 75-85.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Kieu D Vu/  
Primary Examiner, Art Unit 2175

Continuation of 3. NOTE: Claim 82 has been amended to include the limitation "based on a specific input key of the mobile phone" and claim 85 has been amended to include the limitation "corresponds to one of the key buttons". Both of these limitations, in their respective claims, give rise to new issues that require further consideration. Further, the claims as amended contain lack of antecedent basis issues (Claim 25: "for identifying the avatar eing controlled" however, it is the joints being controlled) as well as containing minor typographical errors (Claim 82 line 3: "at the mobile p hone of the called party").

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues with regards to claim 19, on pages 18-20, that the references Attar, Stringer and Matsuda do not teach the specific relationship of the claimed joints (of the avatar) and the claimed inputted key(s) of the mobile phone, nor do they teach or suggest that each joint corresponds to a different inputted key of a mobile phone. The examiner respectfully disagrees. As shown in the Final Rejection of July 16, 2008, of claims 19, 30, and 71, the evidence of Attar, Stringer and Matsuda combine to yield the disclosed predictable result, obvious to one of ordinary skill in the art at the time the present invention was made. Attar discloses manipulation of the avatar using a mobile phone and Stringer discloses an avatar with individual moving parts that can be controlled individually. When combined with the Matsuda reference showing individually number-labeled joints, the result of individually moving joints of an avatar using individual keys of a mobile phone is obvious to one of ordinary skill in the art. The reasoning is similarly applied to Applicant's arguments regarding claims 30, 41, 53, 64-65, and 75-78, on pages 20-25. Applicant argues with regards to claim 82, on page 26, that Lloyd does not teach or suggest the features of receiving, at the mobile phone of the called party, a special number that represents an identified number for controlling the avatar. The examiner respectfully disagrees. As discussed in the Final Rejection of July 16, 2008, of claim 82, Lloyd clearly shows a special number that represents an identified number for controlling the avatar. When combined with Attar and Stringer, the special number is clearly received at a mobile phone of the called party. The reasoning in the above two paragraphs is similarly applied to Applicant's arguments regarding claims 83-85 on pages 26-29.